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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,664	12/08/2000	N. Stephan Kinsella	A010	4630
27543	7590	03/11/2005	EXAMINER	
APPLIED OPTOELECTRONICS, INC. 13111 JESS PIRTE BLVD. SUGAR LAND, TX 77478				NALVEN, ANDREW L
ART UNIT		PAPER NUMBER		
2134				

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/733,664	KINSELLA, N. STEPHAN
	<b>Examiner</b>	<b>Art Unit</b>
	Andrew L Nalven	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 September 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5, 7-13, 15, 16 and 21-25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5, 7-13, 15-16, 21-25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 08 December 2000 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

1. Claims 1-5, 7-13, 15-16, 21-25 are pending.
2. The IDS submitted 12/8/2000 has been received and considered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-13, 15-16, 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilfong US Patent No 5,940,511 in view of Parrillo US Patent No. 5,239,583. Wilfong discloses a method for secure PIN entry. Parrillo discloses a method for improved security using access codes.
4. With regards to claims 1, 9, 17, 21, Wilfong teaches generating of a scramble key (Wilfong, column 4 lines 56-60), accessing of the user code from the database (Wilfong, column 4 lines 50-53), generating a random difference value for at least one digit of the user code wherein the difference value is positive and the sum is not greater than 9 or the difference value is negative and the sum is greater than zero (Wilfong, column 4 lines 59-63, column 5 lines 1-23), providing the scramble key to the user and prompting the user to generate an input code by modifying the user code in accordance with the

scramble key (Wilfong, column 4 lines 60-62), and receiving the input code from the user (Wilfong, column 4 lines 63-64). Wilfong fails to teach the random difference value being for at least one digit of the user code, but less than all the digits of the user code. Parrillo teaches the difference value being for at least one digit of the user code, but less than all the digits of the user code (Parrillo, column 3 line 63 – column 4 line 11, increments 1 number of PIN). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Parrillo's method of incrementing a PIN code with Wilfong's method for secure PIN entry because it offers the advantage of frustrated or eliminating the ability for an unauthorized user to gain access to a protected structure or credit account (Parrillo, column 3 lines 24-30).

5. With regards to claims 2, 10, Wilfong as modified teaches the determining of whether the user used the user code to generate the input code (Wilfong, column 5 lines 24-30) and if so permitting access by the user of an account associated with the user (Wilfong, column 5 lines 30-38).

6. With regards to claims 3, 11, 22-24, Wilfong as modified teaches the determining step comprised of comparing the input code received to the expected input code where the expected input code is a scrambled input code produced by modifying the user code in accordance with the scramble key (Wilfong, column 5 lines 24-30) and permitting access by the user of the account associated with the user only if the input code matches the expected input code (Wilfong, column 5 lines 30-38).

7. With regards to claims 4 and 12, Wilfong as modified teaches the data entry terminal being a public telephone (Wilfong, column 1 lines 23-25).

8. With regards to claims 5 and 13, Wilfong as modified teaches the scramble key being a random scramble key generated in response to activation by the user (Wilfong, column 4 lines 4-10, column 4 lines 33-63) where activation by the user comprises the user placing a charge telephone call (Wilfong, column 3 lines 49-51), determining whether the user used the user code to generate the input code (Wilfong, column 5 lines 30-38), and placing the telephone call and charging the telephone call to an account associated with the user code only if the user is determined to have used the user code to generate the input code (Wilfong, column 5 lines 30-38, column 5 line 39 – column 6 line 21).

9. With regards to claims 7 and 15, Wilfong as modified teaches the user code being a PIN code (Wilfong, column 2 lines 22-28).

10. With regards to claims 8,16, and 25, Wilfong as modified teaches that for at least one digit of the user code, but less than all of the digits, prompting the user to add or subtract the difference value of the scramble key from each of the at least one digits in accordance with whether the difference value is positive or negative (Wilfong, column 4 lines 59-67, column 5 lines 1-23, Parrillo, column 3 line 63 – column 4 line 11).

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven

AN

  
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